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Who corrupts whom? A criminal eco-system made in Italy

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Abstract This research note focuses on the relationship between organised crime and corruption in Italy. It is part of a wider research project investigating that relationship across a number of European countries. In the first part of this contribution, along with a brief account of definitional issues, a summary review of previous work on the connections between organised crime and corruption is provided. The paper then attempts to delineate the uniqueness of the Italian case through some observations around the specific contours of organised and corrupt exchange in the country as they manifest themselves. After a brief methodological note, the analysis is interspersed with the opinions of key informants contacted for this research who have profound knowledge of the subject matter, having worked for many years as investigating judges or academic researchers. A division into areas in which the links between organised crime and corruption are observed tries to map the two phenomena and their joint *modus operandi*.

Introduction

The long history of the definition of organised crime is far from over [27]. This specific from of criminality has been described by a number of North American institutional agencies as ‘an alien threat’ and a ‘conspiracy to commit crimes for profit on a continuing basis’ [19, 37]. However, the fact that organised criminal activity is not necessarily organised crime has long complicated the definitional process, while the adoption of concepts elaborated within strictly institutional contexts has been harshly criticised [1, 2, 10, 13, 16, 60]. Traditionally, some definitions hinge on mere quantitative aspects: the number of individuals involved in a criminal group is said to determine the organisational degree of that group [25, 35]. Some others focus mainly on a temporal variable, that is the time-span during which

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illegal activities are conducted, or on the larger scale of the illegal operations carried out when compared with conventional crime [34, 44]. Criminologists have also focused on the specific ‘services’ provided by organised crime, be these protection or trust, and on its purported evolution leading it from a predatory to a parasitic and, finally, to a symbiotic stage [29, 41, 47]. It is felt that legal definitions and rigid classificatory criteria may leave little space for nuanced studies, while proposed definitions such as ‘serious crime’, which attempt to simplify the issue, are said to produce an unwarranted narrowing of the analytical focus [64].

Corruption is commonly defined as abuse of public power for private profit and is said to occur in the interface between economic interest and the political apparatus, determining an inefficient use of resources [51]. Other definitions focus less on ‘inefficiency’ than on the illegality of the profits pursued and on the illegitimacy of the conducts adopted. Corruption, however, may not limit its aim to the pursuit of profit and wealth, but also to the acquisition of status or power [45]. Some authors categorise it by degree of social acceptance and utilise a colour-coding system indicating as ‘white’ socially acceptable and ‘black’ as socially unacceptable episodes [31, 32]. Corruption may be deemed systemic when is engrained in institutions and widespread in society to the point of affecting the day-to-day interactions among citizens and between these and their institutional representatives. By contrast, it may be described as sporadic when it involves individuals who are swiftly identified and censored. The concept of ‘machine politics’ has helped analysing corruption within the functionalist tradition, with authors stressing that even ‘political rackets’ can satisfy ‘the needs of diverse subgroups in the larger community which are not adequately satisfied by legally devised and culturally approved social structures’ [42: 126]. Some scholars have argued that corruption is a vestigial survival of the past, and is destined to be swept away by progress and development [65]. Others have opted for an analysis of the economic costs of corruption or for the specific victimisation processes that it engenders [50, 54].

As for the relationship between organised crime and corruption, this has been focused upon in studies which emphasise the centrality of corrupt exchange for any organised criminal activity. Corruption, therefore, may be seen as a major characteristic of organised crime itself, as its provision of illicit goods and services needs some form of connivance or protection on the part of official actors. Organised crime, moreover, may attempt to corrupt representatives of institutional agencies with a view to avoiding prosecution or to gaining access to markets and resources [28, 31, 39]. Authors have also attempted, with debatable results, to link organised crime and corruption in a statistical fashion, and to prove how both relate to the quality of the criminal justice system and to the overall economic performance of specific countries [11, 63].

Against the backdrop of the literature summarily mentioned above, it is worth locating the Italian case in some detail.

Background

Criminal organisations

For an understanding of organised crime in Italy, a preliminary distinction may be useful. There are organisations mainly engaged in conventional illicit business, such

as prostitution, gambling, smuggling, the supply of drugs, and so on. These organisations are criminal enterprises or syndicates operating in illegal markets, in the so-called underworld, where they promote, or respond to, demand for prohibited goods. On the other hand, there are organisations which do not limit their operations to the realm of illicit markets, but gain access to the overworld, namely to the official economic and political spheres. The latter types of organisations, through their simultaneous presence in legitimate and illegitimate domains, exert territorial control and constitute 'power systems' which transcend conventional criminality. The very phrase organised crime, in Italy, mainly refers to this latter type, exemplified by organisations such as the Sicilian Mafia, the Camorra in the Campania region and the 'Ndrangheta in the Calabria region. The relatively recent development of another organisation operating in the Puglia region, the Sacra Corona Unita, is said to be the outcome of the influence of the Camorra in the region, where local groups claimed and slowly achieved independence from the Neapolitan organisation. It is controversial whether the Sacra Corona Unita adopted the typical rituals characterising the 'secret brotherhoods' from Sicily and Campania as the result of sheer mimicking, or whether such rituals belonged to a pre-existent underworld subculture in the region [40]. It is also hard to establish the degree to which this group operating in Puglia is capable of forming partnerships with official economic and political actors like their counterparts in Sicily and Campania. The groups that are certainly unable to do so are formed by non-indigenous members or networks, over which a lot of investigative and scholarly work is yet to be produced, and on which I shall return shortly.

With respect to the major Italian organisations, it should be noted that the awareness of their constitution as 'power systems' dates back to the nineteenth century. For example, in 1876, member of parliament Leopoldo Franchetti described the mafia as a form of political crime promoted by sectors of the ruling class, namely official political actors and businessmen. Elite groups were said to employ members of the 'military mafia' and to use them as an illegal resource in their economic or political activity. Violence was used for the discouragement of economic competitors and the intimidation of political opponents [59]. The groups lending their strong arm to official actors, in exchange, were granted a relative freedom to operate in other illegal activities (mainly protection racket and contraband). Similarly, the Camorra, at the time of the unification of the Italian peninsula (1860-61), was entrusted with the task of maintaining public order, as the regular police had been sent to back up Garibaldi's army. The authority of the *camorristi*, in fact, became accepted by many as the only power likely to guarantee order in a situation of war, when internal conflict breaching every rule could easily take place. The Camorra was then playing the role of a broker, acting as a mediator between a turbulent society and the official authorities, a role destined to evolve significantly in the years to come [6, 9, 52].

These two examples provide enough material to suggest the following conceptualisation. In order to identify the different interpretations of organised crime, it is useful to refer to the concept of social organisation. This concept relates to the variety of social relations which give rise to two types of networks. First, social organisation can be viewed as an *association*, a network of individuals who form some sort of culturally homogenous group. Second, social organisation can be seen as a series of *transactions*, a network of individuals involved in a common activity, whether or not they belong to the same association, in other words, whether

or not they are socially and culturally homogenous. Transactions range from brief encounters to elaborate, rigid, and highly coordinated undertakings. If we view social organisation in terms of *association*, we emphasise the structure and internal cohesiveness of groups. On the contrary, if we view social organisation in terms of *transactions* we emphasise the structure and modality of joint activities.

Some scholars, but also investigators, choose the first route, thus describing the criminal groups as separate entities constituted by cohesive enclaves and characterised by specific cultural codes. Others opt for the second route, therefore focusing on the links the criminal group establishes with external, mainly official actors with whom joint activities are carried out (for this approach, among many others, see Arlacchi [4, 5, 24, 38, 53]).

Those who choose the second route may highlight the capacity of organised crime to polarise markets through the use of violence, thus implying that the ‘military’ aspects of this type of crime are still very important. Others look specifically at the alliances and partnerships between organised crime, the official economy and the political world, and therefore suggest that organised crime combines forms of conventional criminality with a variety of white collar offences. This happens, in particular, when proceeds from illicit activities are invested in the official economy, where members of criminal groups are said to ‘learn’ the techniques and the rationalisations of their white collar counterparts. In this way, one could say, these groups do not corrupt markets, but they are corrupted by them. In this perspective, it is more appropriate to talk about a number of exchanges, and a mutual entrepreneurial promotion in which the different actors engage. In this sense, the suggestion can be made that we are now faced with criminal networks, rather than organised crime, which involve a number of actors from the legitimate as well as the illegitimate world. These networks take advantage of the fact that in some sectors of the official economy unorthodox practices and illegal behaviour are widespread. Criminal networks imply the existence of interdependent units linked by a wide-ranging variety of ties, including kinship, ethnicity, cultural homogeneity, social proximity, or simply business partnership.

As alluded to earlier, this is not a recent development, and dates back to the nineteenth century. Later, when sub-cultural theorists analysed organised crime, they too suggested that the most successful criminal groups were those that managed to establish some form of common interest with official actors (they meant the police, particularly). Only those who did so could, in their view, really develop the scope and profits of their criminal activity. The ability to operate in both the licit and the illicit arena allowed criminal groups to develop those multiple affiliations which could ensure success in both. As [17] put it: apprentice criminals pass from one status to another in the illegitimate opportunity system, and as they do so, develop a set of relationships with members of the legitimate world. Unless they can form these relationships, the possibility of a stable, protected criminal style of life is effectively precluded.

Some observations must be made about indigenous and non-indigenous criminal organisations. In the literature on organised crime, when the involvement of migrants is examined, images and judgements recur which are often based on opinions, hypotheses and moral panics. Some studies set off with the premise, reiterated and transmitted without corroboration from one commentator to the next, that organised crime formed by foreigners ‘is characterised by particular forms of aggression and violence and the fast growth of their capacity to operate in different criminal areas’

[23: 193]. It is very hard to establish of what this ‘particularity’ exactly consists, especially in Italy where the violence and expansive force of indigenous organised crime is a well-known fact. A more useful strategy, perhaps, consists of focusing on some specific types of criminal activity, or on some specific geographical area, and observe the interactions that organised criminal groups formed by migrants establish with the new or traditional Italian organised groups. In a tentative manner, pending further substantiation, we might suggest that in some Italian regions foreign organised crime is independent from Italian criminal groups, because the latter are by now engaged in productive, entrepreneurial and financial activities. Other specific criminal sectors may have undergone a process of ‘succession’, whereby foreign groups occupy the space left by Italian groups who have moved on to operate elsewhere. In some cases, however, the succession is accompanied by the request by Italian groups of a percentage on the profits made by the new comers [7, 8]. In other areas, partnerships can be formed between Italian and non-Italian groups, with a division of labour based on the respective power and on the capacity of the latter to access the sources of illicit goods and substances. In yet other areas, non-Italian groups are subordinate to Italian ones, particularly in contexts in which the demand for illicit goods and services is traditionally high. In such cases, non-Italian groups provide ‘criminal labour’ to established Italian ones. Finally, if we prefer to focus on the specific criminal activity in which the different groups specialise, we might want to investigate, for instance, whether the illegal transfer of people carried out by Rumanians is to be associated with the demand for labour by the Italian hidden economy; whether the ability of Russian groups to infiltrate the official economy is due to the proven willingness by official actors to facilitate illicit infiltration; and finally, whether the predominance of Chinese groups in the importation of forged goods is the effect of the particular prosperity of this illicit economic sector in Italy. In brief, the criminality of migrants in Italy should perhaps be analysed against the background of the criminogenic characteristics of the country [57]. What remains evident is that non-indigenous organised crime is confined to conventional criminal activities, including theft, robbery, prostitution rackets, human trafficking, drug distribution, and all other ancillary activities related to the above. Organised crime involving migrants, in brief, remains a form of *pariah* organised crime. The indigenous groups, instead, are in a position to control the major operations of conventional criminality (mainly protection rackets and large drug operations) while participating in the official economic and political worlds. It is in these worlds that episodes of corruption occur which prompt the question: to what extent does organised crime impact on the spreading of corrupt practices in the country?

Corruption

Nineteenth-century Italian criminologists were fully aware of the inclination of powerful groups in the country to violate the law [55]. This should not sound surprising: most members of the Positive School were politically left-leaning and warned that ‘the bourgeois tyranny’ would soon deny human and civil rights to citizens (Pietro Ellero); that the elite was giving shape to ‘new’ forms of criminality, more devastating than the old ones (Cesare Lombroso); and that the ruling classes, with their contempt for legality, would dictate the moral (or immoral) tone of the entire country (Enrico Ferri).

In the annual report produced by the State Audit Board (the *Corte dei Conti* composed by judges who advise the Treasury) in 2008, there was no sign that corruption, through payments given to politicians by entrepreneurs in exchange for public contracts, was subsiding (Il Sole 24 Ore, 4 February 2008). The most worrying aspect underlined by the Board, however, was the reiterated practice of granting amnesties to those charged with corrupt behaviour, who are in this way regularly rescued before a criminal sentence can be pronounced. Similar concerns were expressed by the Anti-Corruption High Commissioner, who stressed that statistics indicating a decline in the reported cases were not a signal of the decline of the phenomenon, but rather of the growing tolerance towards it. Incidentally, the recent programme aimed at simplifying and shrinking the national bureaucratic apparatus included, among other measures, the suppression of the figure of High Commissioner [62].

Transparency International, in March 2009, remarked that in Italy corruption is the only industry that does not experience a crisis. In the year 2002, the country was listed at the 31st place in the table drawn through the ‘perceived corruption index’, while in 2008 it was placed at the 55th place. With regard to the ‘bribe payers index’, Italy also occupied a low position: 17th out of 22 countries. This index measures the propensity of companies from the top industrialised countries to use corrupt methods when operating abroad. The argument was also made that, given the current economic crisis, and given the state’s intention to inject money into a variety of public works which may encourage productive recovery, corruption may increase as a consequence. Enterprises and political representatives were said to be poised to take advantage of such imminent opportunities. A new Bill discussed in Parliament about banning the use of telephone tapping for investigations concerning corruption was also seen as a new incentive for perpetrators. Finally, a strong antidote to corruption was identified, as usual, in market competition.

It is indeed around the variable ‘competition’ that many episodes of corrupt exchange can be grouped. A typical, sensational, example, is offered by the scandal of the Bank of Italy. The type of illegal conduct adopted by the Bank shows how powerful groups and individuals may violate their own rules and philosophies. While officially adhering to the liberal principles of competition, general director Antonio Fazio accepted the bid made by banker Gianpiero Fiorani, despite the fact that a non-Italian competitor had made a more advantageous offer to buy the Antonveneta Bank. Behind the national sentiment mobilised by Fazio in explaining his choice, there emerged a long-term partnership between him and Fiorani in numerous mutually-enhancing financial operations [61]. This case shows how the official advocates of market freedom, in fact, do not genuinely believe in the benefits of such freedom.

Methodological note

Having set the background, it is necessary to specify the source of the information collected below. The analysis that follows is based on

- a) judicial documents, namely documents produced by courts on proven cases leading to guilty verdicts and consequent penal sentences;

- b) journalist sources discussing proven cases or ongoing investigations and judicial activity;
- c) academic work discussing the above or analysing general issues around the causes and persistence of both corruption and organised crime;
- d) interviews with five key informants.

Interviews were conducted with three judges, respectively a long-term mafia investigative judge (**J1**), an experienced investigative judge working in the Campania region (**J2**) and a judge sitting on the national Council of Magistrates, Consiglio Superiore della Magistratura, (**J3**). The other two key informants were senior academics based at the University of Palermo and the University of Turin respectively (**A1**, **A2**). All five informants are also known authors, as they have produced a variety of publications in the form of books and articles on the subject matter. Interviews were semi-structured and only some themes and areas were initially established, namely the specific sectors of social and institutional life in which organised crime and corruption can be read jointly. As the interviews proceeded, of course, the specific experience of the informants, their knowledge accumulated in investigative or research work, came to the fore and influenced the direction of the conversations with this author, yielding supplementary information in a serendipitous fashion. The interviewees were willing to participate in the project and were assured that their identities would not be revealed.

Findings

Corruption

The Bank of Italy case briefly described above possesses a number of traits with cases that occurred during the early 1990s and that can be grouped under the same typology. Such cases came to light during the long season of the anti-corruption judicial initiative known in Italy as ‘clean hands’ [12, 21, 46, 49]. Informant **J3** recalled those years in the following terms:

*‘In the administrative and political sector corruption is systemic. We have seen numerous examples since the 1970s. What became a paradigmatic case revolved around the interests of the oil producing companies in Italy. These companies devised a well organised system of corruption aimed at representatives of all political parties. They managed, in this way, to involve part of the parliament in passing a law which was blatantly favourable to them in financial terms. During the ‘clean hands’ operations, it emerged that the money destined by the construction entrepreneurs for the corruption of national and local politicians was part of the budget, it was an item in their accounts, although this did not appear in the official balance sheets of their companies’ (**J3**).*

The ‘clean hands’ phase ended in the 1990s with yet another sensational case. Lawyer David Mills was accused of receiving some 500,000 euros from Silvio Berlusconi in return for giving false evidence in two corruption trials involving the

Italian prime minister. Only in February 2009 was Mills found guilty and given a four and a half year sentence, though he remains free pending appeal. In the document released by the court to explain the motivation of the sentence, the description is provided of

‘the direct involvement of Berlusconi in the creation of 64 offshore companies through which various illicit funds were channelled, including the 12 million dollar pay-off that the Socialist leader Bettino Craxi received for approving the legislation that allowed Berlusconi to take more or less untrammelled control of the Italian airwaves’ [36: 23].

In an additional comment by informant A1, *‘The current prime minister has managed to escape the trial because he passed a law giving the country’s four highest office-holders immunity from prosecution, without which he would now be heading for a prison cell alongside Mills’ (A1).*

With the new millennium, while lesser attention is devoted by academics to corrupt exchange, judicial and journalistic sources indicate an exacerbation rather than an attenuation of the phenomenon, although the dynamics and format of corrupt exchange appear to become increasingly diversified. The following is a limited sample of cases reported by the media over the last year [56, 58]; Ministero [43].

- In Milan a local councillor working in the office for the protection of the environment builds a house, without applying for a building licence, in a protected area.
- A lawyer operating in Milan, former member of the board of directors of Parmalat and La Scala Theatre, is arrested for acting as a straw man for a criminal organisation: he accepted to appear as the owner of properties and financial assets actually belonging to the organisation.
- In Rome, several medical doctors are criminally charged because they dispense unnecessary therapies to patients with the only aim of claiming state reimbursement. The fraud costs the Italian state around 10 M euros. Similarly, in Milan, some surgeons are arrested for performing undue operations merely with a view to claiming state funds.
- A case coming to light in Florence indicates that municipal areas destined for public use are instead sold to urban developers in exchange for bribes.
- In Turin, a number of pharmaceutical companies are accused of bribing politicians in order to obtain licences for the sale of useless medicines and to outflank laboratory control about their hazardous nature.
- The governor of the Abruzzo region is arrested for requiring payments from entrepreneurs delivering services to the local health system.
- In Naples, a businessman is arrested for virtually monopolising contracts in several public sectors thanks to his connections with local politicians.
- In Turin, an investigative judge devises a network of fake consultancy companies run by friends or accomplices, claiming the expenses (from the state) for consultancy work than in fact is never carried out. A paradoxical aspect of this case is that this judge had previously conducted investigations on episodes of corruption occurring in the world of football, and it is reasonable to assume that, while unveiling the corruption of others, he was practising his own.

- Some major energy and telephone companies (including Telecom Italia) are heavily fined for fraud against consumers and malpractice against competitors.
- A case that gained international resonance occurred in Naples in 2008. The companies contracted with the building of a waste disposal facility were unable to complete the work by the agreed deadline. The contract had been won through unorthodox practices and with a totally unrealistic bid, offering the required service for extremely low, therefore dubious, prices. The ineptitude of the company contracted led to the infamous ‘rubbish emergency’.

Corruption and organised crime

The cases listed above cover a number of areas that criminologists would describe as *grey areas* in which politics, business and crime interact in various fashions. According to informant **A1**:

‘Corruption in Italy does not reveal the direct participation of organised crime such as, for example, the mafia. Rather, it shows the spreading of a “mafia method” in conducting business and doing politics. I have studied the processes of transformation of the Sicilian mafia for many years. I was interested in cultural aspects, namely in the way in which values and codes are transmitted in basic social interactions, and how they colonise other life ambits. This cultural approach led me to look, first, at how women were involved or connived with the organisation. I then moved on to the political world, to see how public representatives assimilated elements of the mafia culture. Finally, I am now looking at how the “mafia method” is becoming the prevailing method inspiring the crimes of the powerful and how it affects market freedom and the democratic system as a whole’ (A1).

Similar description was given by informant **J1**, who noted that environments saturated by corrupt exchange offer everybody a chance to ‘have a go’. In his view, corruption in Italy is characterised by a multiplying effect which is felt in all positions of the social hierarchy: ‘corrupt exchange involving the elite and that involving ordinary citizens feed upon each other’. As corruption spreads from the elite downwards to other social groups, impunity seems to increase its multiplying effect. This process causes increasing familiarisation and tolerance with unorthodox practices, even among those who benefit very little from their own corrupt practices.

‘The opportunities granted to ordinary citizens to benefit from minor episodes of corruption led to the partial condoning of large-scale corruption. The tolerance of petty immorality on the part of the elite paved the way for the acceptance of their own higher immorality by the non-elite. The moral tone of the country, however, was imposed by the ruling class, who by relentlessly displaying their own corruption made everyone indifferent to official rules and cynical towards the public welfare’ (J1).

The stages of this process were addressed by informant **A1**, who noted that during the 1970s corruption seemed to be confined to the margins of civil society, namely

within a sub-system which had few occasions to interact with society as a whole. News about a state functionary being corrupt would cause a scandal, while corruption of entrepreneurs or politicians was not even contemplated, because it was not brought to the limelight, therefore it did not exist.

'In Italy, I believe things have changed from the early 1970s, when the first journalistic and judicial investigations drew some light on the adventurous corrupt mixture of professionals, politicians, businessmen and organised crime. The relationships between all these actors deform the norms that should govern society, politics and the economy. This is when we discovered that there was not a big distance between those who corrupt, those who are corrupted, and civil society. The idea that there are parallel worlds, distinct and separate, was a delusion. As it is a delusion to think that there is one professional sector more or less immune than others to corrupt practices' (A1).

This aspect was also highlighted by the organisation '[33], that informs consumers on their rights. After indicating, for the previous year, the figure of 70 billion euros as the loss of the Italian state for corrupt practices, the organisation warned that all social sectors were getting accustomed to a 'culture of corruption' and that indignation for such culture was slowly fading. No specific responsibility for corruption was apportioned to organised crime, as the regions in which the growth of the phenomenon was observed were not those in which organised crime traditionally operates.

According to **J2**, criminal organisations such as the mafia are the most visible version of a way of exercising power. Members of the mafia *'are used by the state, they are protected, and then, when they are no longer needed, they are dumped'*. In this perspective, *'if we want to understand the relationship between corruption and organised crime we have to rid ourselves of all the stereotypes and prejudices, and look at these phenomena against the background of the power elite' (J2).*

This informant qualified his view by arguing that political activity has by now become a straightforward form of business, in which individuals and groups are connected in a pyramidal configuration. These connections are national, and often, international expressions of power, global systems based on the control by the few upon the many. *'This is organised abuse of power, which causes injustice and social suffering. This pyramidal configuration offers some space to organised crime' (J2).* In this perspective, therefore, organised crime uses corruption because everyone else does. A people is what a ruling class makes it, said **J2** echoing Rousseau. A ruling class that degrades the people is in turn degraded by it in a vicious circle. *'The ruling class rules also the formation of public opinion, it selects the collective memory, it chooses which values are to be regarded as important. Organised crime just follows the general climate determined by the ruling class' (J2).*

In the view of **J3**, instead, the institutional actors who are more vulnerable to corruption by organised crime are local politicians and administrators. These actors handle public resources, are geographically close to organised criminal groups, and operate in the same social environment, therefore they are subject to the pressure that such groups exert. At the local level, however, corrupt exchange 'proposed' by organised crime to politicians is accompanied by an implicit degree of intimidation which determines the outcome of the proposal made. Informant **A1**, in this respect,

talked about the well known ‘offers that cannot be refused’. *‘In other words, it is possible that a corrupt offer is rejected, but then intimidation follows against the person who does not want to be corrupted. The outcome will be the same, namely the illegal result that was initially pursued. In such cases, before even attempting to corrupt, organised crime aims to intimidate. At times, acceptance of a corrupt proposal may turn into quasi-affiliation with the organised group’ (A1).*

Informants also stressed that when organised crime manages to corrupt any actor, this is due to the low professional ethics of those who make themselves available to corruption.

‘There is little sense of responsibility for the role one occupies, be it public or private. This may be difficult to evaluate in empirical terms, but the deficit of political and civic culture in a country exposes citizens to systemic corruption, by organised crime, but also by other individuals and groups. In such contexts, even emulation—the desire to access prestigious positions and gain more financial resources than one holds—may become a significant variable’ (A2).

Emulation, as mentioned by this informant, plays a role in tax evasion, whereby small earners feel legitimised to escape their dues to the state when witnessing the spectacle of massive illegality by the elite. Tax evasion in Italy reaches such level that the state, regularly, proposes ‘social pacts’ or amnesties requiring the payment of at least a portion of the unpaid sums. Vulnerability to corruption, ultimately, may also be exacerbated by impunity, namely the certainty that there will be no prosecution. Except for the period of ‘clean hands’, corrupted and corruptors have rarely been punished, judicially as well as morally [22].

Corrupt sectors

Fraud against the state shows the most remarkable expansion among other corrupt practices. This includes a range of false claims for financial entitlements and special state support, or consist of payment requests for fictitious work performed or incomplete services delivered [20]. These practices went up during the last 2 years by 40% and 200% respectively [3]. The increase is not solely due to the growing interest of organised crime in state funds, but also to the spreading of fraudulent conducts among professionals, administrators and private firms (see the list of recent cases provided above).

A corollary of this sector is constituted by fraud against the European Union. In 2007 some 6,000 irregularities were reported to the European Fraud Prevention Office by member state agencies [48]. The European budget attracts professionals, criminal groups and opportunistic entrepreneurs who may resort to fraud as a means of rescuing a failing company or expanding its business. It is hard to establish how many of these irregularities were committed by Italian actors, let alone how many by Italian criminal groups. What is of interest, in this respect, is a case brought to light by investigative journalists, who tracked a company operating in Trapani (Sicily) specialising in the construction of wind turbines financed by the EU. The turbines producing alternative energy are now spread across Sicily, but only seven out of thirty-three of these ecologically-friendly wind farms are actually functioning. Most turbines just stand there, unconnected to any machinery transforming the wind into energy [30].

Returning to the national level, the construction sector is another of the sectors particularly exposed to corruption. The involvement of organised crime, here, may cover a plurality of industrial segments, ranging from the production of cement to the building and refinement of the constructions commissioned. Licit entrepreneurs are also involved, particularly in areas where environmental planning is vague, control regulations are weak, and administrators are willing to help developers by claiming that the areas sold are destined for private dwellings.

In the sector of public works the formation of cartels is frequent. Auctions and tenders relating to such works are manipulated, and when organised crime is involved the employment of 'clean' business partners and professionals becomes necessary. According to informant **J1**:

'White collars and organised criminals, in this sector operate jointly. They may even identify which service has to be put out to tender and what type of good has to be delivered. So, basically, the contract gained will not serve a specific need of the community, but only the financial interests of those contracted. When planning what type of service has to be contracted out, the role of politicians is crucial. Subsequently, corruption may occur when the criteria for the granting of the contract have to be established. Those manipulating the tendering process will make sure that their competitors do not meet the criteria. When the bid is presented, the situation may arise where there is only one company left in the contest, although the winner will make a series of bids as if other companies were still competing' (J1).

Finally, at the execution phase, the winner may sub-contract parts of the works to a friendly firm. If the bid made is low and unrealistic, the winning company may even plan not to complete the works for lack of sufficient funds. The 'rubbish emergency' listed among the cases above is one such case, where the failure of the legitimate entrepreneurs to honour a contract gave the opportunity to organised crime to offer its own, alternative disposal services. Similarly, companies failing to perform the tasks for which they have been paid may resort to sub-contracts with firms controlled by organised crime.

The sector of public contracts constitutes an extremely important area for the economy of the country. 'Through public contracts, the state guarantees the realisation of infrastructures and the delivery of services to citizens. This is an essential function to encourage development and remove the economic and social obstacles limiting the freedom and equality of citizens' [15: 7]. The allocation of public contracts, however, needs impartial, efficient, and morally reliable administrators, who hand over public resources to those who are actually able to deliver at the appropriate standard and, simultaneously, at the minimum cost for the collectivity. Where such administrators are wanting, chances are offered to adventurous entrepreneurs and organised crime.

Public contracts are attractive for a number of reasons. First, they represent an important part of the resources available in specific contexts, particularly in regions in which private entrepreneurship is insufficiently developed [18]. In Calabria, for instance, public finances constitute 80% of the financial assets available in the region. Second, fraudulent conduct in the arena of public contracts is met with particular leniency by institutional agencies, and when organised crime is involved, inves-

tigations require complex tools and skills. Organised criminals turned into businessmen, therefore, may opt for this area of investment for the excellent prospects it offers in terms of revenues and for the negligible risk of apprehension. Third, public contracts are managed by vulnerable and inefficient public administrators, and have long been characterised by unorthodox behaviour and corrupt exchange between private entrepreneurs, political representatives and public administrators.

‘The infiltration of mafia organisations is therefore favoured by the spreading of illicit conduct and corruption within the public administration itself. Such an environment is more permeable to the presence of actors who are associated with criminal organisations due to the low level of legality that characterises them’ [14: 8].

Finally, criminal organisations may benefit from public contracts in terms of prestige and power in the territories they control. For example, they may realistically play the role of employers, whether for their affiliates or for members of the general population. They may gain access to the business world, encountering peers and colleagues who may be helpful in future enterprises. In brief, they may progress in their career combining involvement in licit as well as illicit markets. Even when organised criminal groups do not succeed in gaining contracts, they act as mediators for other companies, activating their political relationships or their ‘persuasive’ means. In some cases, it is the winning company which will contact a criminal organisations, ‘in order to agree in advance on the protection money due, thus avoiding future problems when works are in progress’ (ibid: 8).

‘The phenomenon of criminal infiltration is distributed equally across the regions of the South of Italy. It is, however, mainly concentrated in Calabria and Sicily, and in some provinces of Campania: Caserta and Naples. The situation is critical in Calabria, where the ‘Ndrangheta has enjoyed until very recently little attention by public opinion and institutions. This has allowed it to expand beyond the Calabrese territory. Today the situation has changed and, as happened in Sicily after the massacre of judges and in Campania with the camorra wars, the Calabrese organisation too is at the centre of numerous investigations’ (ibid: 127).

Targeted institutions

Corruption of the justice system, including administrative staff, publicly appointed officials and judges, increased between 2005 and 2007 [33]. The increase, however, may not be statistically significant, as the cases of corruption were 8 in 2005 and 10 in 2007. What may be of interest is in which Italian region such cases occurred: Emilia Romagna, Lazio and Lombardy, namely in regions in which organised crime activity is not as prevalent as elsewhere. Judiciary corruption, therefore, can be mainly imputed to white collar offenders, either in the political or in the economic sphere. Some commentators, however, suggest that the increase signals both the ‘migration’ of organised crime to other regions and the spreading of the ‘mafia method’ throughout the country. According to **A2**:

‘The police and the judiciary seem less permeable to corruption, also because they can rely on a higher degree of internal cohesion and have a distinctive esprit de corps. Unlike for politicians and administrators, the career of police and judges can hardly be influenced by organised crime, whose power to

corrupt, after all, consists in large measure of paying money. Finally, they are less vulnerable to intimidation, because they feel protected by their peers, they are more homogenous and less competitive with one another' (A2).

The corruption of the judiciary, according to **J1**, is associated with the inefficient and particularly lengthy investigation processes. Judges are given a precise deadline by which investigation has to be completed so that prosecution may commence. Failure to meet the deadline results in the offence being cancelled. Corrupt judges may prolong the times of the investigation on purpose, thus favouring the release of defendants.

A well known case in Italy, involving judge Carnevale, resulted in the Court of Cassation invalidating all the previous trials in which mafia members had been found guilty. The invalidation was motivated with some procedural irregularities. The judge, eventually, was prosecuted and expelled from the judiciary.

Informant **J1** mentioned cases in which police officers were in good working relationships with people who were on the run from justice, or with people who were in the process of being arrested or investigated. *'These officers, therefore, informed members of the criminal world that something was going to happen to them, giving them time to hide, destroy documents or find an alibi'*. In such cases, **J1** added, sub-cultural factors play an important role, as *'the police officers may share a background of bullying, violence and criminality with the ones they are supposed to police'*.

Informant **J2** argued that all forms of stacking resources, be they private or public, imply a certain degree of corruption. The political world is central in this respect. The fact is, he said, that *'In politics, many people find a solution to their economic problems, and they try to occupy all the possible places where resources are distributed. Around elected politicians there are then cohorts of allies who participate in political activity and share some of the wealth. Finally, at the bottom, there are the masses, the subjects who sustain the whole system on their shoulders' (J2).*

This informant was reluctant to assert that the political system is corrupted by organised crime. He would rather claim that organised crime takes advantage of a corrupt and inefficient system.

'Take the example of the public financing of political parties. This was introduced after the scandals proved that businessmen (oil producer, developers, the pharmaceutical industry, and many more) were receiving favours from politicians in exchange for money. These favours consisted in pieces of legislation that brought enormous amounts of money to entrepreneurs. The new law on the public funding of political parties was supposed to make the costs of political activity more transparent. But it was a big lie: politicians and economic actors continued with the occult financing of one another. The result now is that, while occult financing continues, we have the European most expensive public system of pouring money into politics, with even small parties (who do not have a significant number of representatives) receiving exorbitant amounts of money. Organised crime, in all this, is just one of the many actors involved; they appropriate resources like everybody else' (J2).

This view was shared by **A2**, who considers the political sphere the most vulnerable to corruption by organised crime. This is because power groups tend to

come together irrespective of the nature of the power they exercise. Politicians collude for the obvious reason that organised crime controls votes, particularly at the local level. From the point of view of organised crime, on the other hand, corruption does not only lead to the control of contracts and resources, but also to an expansion of influence and power.

We have seen in the sections above the role played by politicians and administrators in the arena of public contracts. A brief addition to the information already presented, came from informant **A2**, who argued that administrators are accustomed to exchanging favours for illegal income, due to the general climate in which they find themselves operating. Some of them become public administrators on the basis of nepotism or as a result of some corrupt exchange of sort. Posts in the public administration may be distributed by influential figures, with the participation of political parties claiming their own share of jobs for their faithful members. Once in post, administrators are surrounded by 'clients' of varied nature, friends and relatives, colleagues and acquaintances who formulate incessant requests and propose creative bargains. *'Organised crime swims at ease in such corrupt waters. And administrators will be unable or unwilling to determine whether the companies they entrust with a public work is owned by a clean entrepreneur, a criminal one, or a partnership between the two' (A2).*

Informants concurred that in the south of the country administrative corruption is more visible. In the southern regions, investigations focusing on organised crime lead to the discovery that somewhere, behind the scenes, there is a local administrator or a politician, and that in proximity lies a businessman: the labyrinth of power and business emerges very clearly. However,

'In the north of the country power is just as corrupt, with a relatively lower presence of organised crime. The problem is that it is no longer possible to distinguish between organised crime and white collar crime' (J2).

According to **A2** the private sector occupies third position in the corruption echelon. Entrepreneurs were deemed lacking a proper ethic of the market, and prone to grasp any possibility of operating in monopoly conditions. *'Escaping competition has become acceptable, and for some, in a sense, even legal'*. In a qualification adding to statements reported above:

'In some contexts the criminal can turn into a private entrepreneur. He will conduct a series of legitimate activities with the illicit money accumulated. Also, the criminal may have to employ those affiliated with his organisation, and therefore give salaries in licit occupations. The mafia is an employer, let us not forget. Moreover, organised crime is a money lending organisation, and at times, when the debtors become insolvent, their business is appropriated by the lending organisation. This is one of the other ways in which organised crime gains access to the official economy' (A2).

While informant **J1** felt that organised crime turned into business, thanks to the support of politicians, can renounce intimidation, **J2** dwelt again on the general economic practices prevailing in the country. In his view all economic sectors are

corrupt: ALL! At all levels of their respective hierarchy. The reason for this generalised diffusion of corrupt exchange is that:

'We have now a criminal system that works by inertia: it has its own inherent motion. We have a system which is integrated, composed of different characters and entities, not all of which have criminal professionalism. We have the politician, the high public manager, the entrepreneur, the financier, the mediator, the representative of the institutions, and at times a representative of the mafia. The system is modular, in the sense that, according to the circumstances, it includes new actors and excludes others' (J2).

To remedy this situation is extremely hard. Even whistleblowers, in the private sector, do not function as examples to others. They are often ostracised, while the corrupt are still seen in the most glamorous public events and on TV. This is the result of the organic partnerships between business, politicians and organised crime. We are faced with post-mafia organisations, in the sense that in the past we could identify some figures of the official world who were 'external' allies of the mafia; now it is the mafia which is external to the illicit business of the ruling elite.

'Organised crime is not just a vile association of butchers led by shepherds and peasants. If the mafia were composed only of semi-literate people it would have been destroyed a long time ago. The problem is that the ruling class has never managed to make the transition from a system based on wild and violent accumulation to a social order respectful of legality based on shared values. The elite in Italy has never really renounced violence. See the examples of state terrorism scattered along the history of the country. The ruling class has evolved from pre-modernity directly into post-modernity: this may explain the strong relationship between corruption and organised crime' (J2).

Conclusion

Corruption and organised crime in Italy are closely intertwined to the point that, when investigating episodes of corruption the involvement of some criminal organisation is discovered, and vice versa, when investigating the exploits of organised crime, the involvement of some corrupt politician or entrepreneur often comes to light. The relationship between corruption and organised crime in the country, however, does not lend itself to conventional analyses imputing to the latter the main responsibility for the spreading of the former. The opposite too seems to obtain in Italy, where the claim can be safely made that widespread corruption within the social, economic and political spheres attracts organised criminal groups, encouraging them to participate in corrupt exchange and indirectly boosting their other various illicit activities.

This research note has shown that corruption and organised crime, in Italy, are connected in a variety of ways. With the political, administrative and private sectors particularly prone to engage in corrupt exchange, illicit conduct tends to spread to many other groups and actors. Upturning a liberalist metaphor, we could

say that the elite has not promoted a ‘trickling down’ process whereby wealth is distributed across the country, but has encouraged a process in which what actually ‘trickles down’ is illegality. Organised crime is a participant in this illegality, at times aided by intimidation, at times sustained by the interests of legitimate actors who play a *de facto* role of partners. In such a situation resources are not used to satisfy the needs of communities, but are appropriated through personal initiative, individual risk, power, the ability to outflank rules and to achieve impunity. Corrupt behaviour in Italy has slowly become acceptable at the social level, to then gain legitimacy at the political, and finally at the legislative level. Corruption has played the function of a foundational conduct, one that lends itself to be imitated. It has altered the perception of what citizens should expect, what they should pursue and how. It has taken on a ‘founding force’, namely the capacity to impose a lifestyle, to transform the previous jurisprudence, to establish new laws and new types of legitimacy. Corruption and organised crime, in sum, are intertwined in a ‘criminal system’ that reproduces power, be it illicit or otherwise. As Enrico Ferri [26] said more than a century ago:

‘Respect for the law spreads among the people less because of police and jails than because of the example given by persons in high places and by the authorities themselves, when they are first to put into practice respect for individual and social right... Thus avoiding the scandals of impunity for the big thieves and the most iniquitous severity for the little ones’.

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